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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

Attorneys for plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

THOMAS LEE, MEEJOUNG LIM, on
behalf of themselves and others
similarly situated,

Plaintiffs

vs.

MEGA MILLIONS LOTTERY; and DOES
1-~~10~~ inclusive,

Defendants

) Case No:

)

)

)

)

) CLASS ACTION

)

) CLASS ACTION COMPLAINT FOR

) 1) BREACH OF CONTRACT; 2) FALSE

) ADVERTISING; 3) MISREPRESENTATION;

) 4) NEGLIGENCE; 5) FRAUD; 6) CIVIL

) CONSPIRACY; 7) VIOLATIONS OF

) UNFAIR BUSINESS PRACTICES ACTS; 8)

) UNJUST ENRICHMENT; and 9)

) DECLARATORY RELIEF

)

)

)

) DEMAND FOR JURY TRIAL

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1 Plaintiffs, THOMAS LEE and MEEJOUNG LIM ("Plaintiffs"), on
2 behalf of themselves and a class of similarly situated persons, bring
3 this action, and allege upon personal knowledge and upon information
4 and belief (based on the investigation of counsel) as to all other
5 matters, as to which allegations Plaintiffs believe substantial
6 evidentiary support exists or will exist after a reasonable
7 opportunity for further investigation and discovery, as follows:

8 I. INTRODUCTION

10 1. Plaintiffs are informed, believe and thereon allege, at all
11 relevant times material hereto and mentioned herein, Defendant MEGA
12 MILLIONS LOTTERY ("Defendant MEGA MILLIONS"), operated a US multi-
13 jurisdictional lottery game called Mega Millions which was/is
14 administered by a consortium of its original state lotteries. These
15 original state lotteries include 12 lotteries in states of: Georgia
16 (1996), Illinois (1996), Maryland (1996), Massachusetts (1996),
17 Michigan (1996), Virginia (1996), New Jersey (1999), New York (2002),
18 Ohio (2002), Washington (2002), Texas (2003) and California (2005).
19

20 2. On 01/31/2010, 23 additional state lotteries became members
21 of Defendant MEGA MILLIONS. Since then additional lotteries became
22 members and currently Mega Millions game is played in 44
23 jurisdictions: 42 state lotteries and the District of Columbia and
24 the U.S. Virgin Islands. Drawings are held at 10:59 p.m. Eastern
25 Standard Time Tuesdays and Fridays in Atlanta, Georgia, supervised by
26 the Georgia Lottery.
27
28

1 3. Defendant MEGA MILLIONS does not have a "central office".
2 Currently Mega Millions game may be operated, co-operated and/or
3 duties shared with its current members. These lotteries are
4 identified as (1) forty-two state lottery commissions, (2) the
5 DISTRICT OF COLUMBIA LOTTERY COMMISSION and (3) the U.S. VIRGIN
6 ISLANDS LOTTERY COMMISSION (collectively all as "Mega Members").
7

8 4. Plaintiffs are informed, believe and thereon allege that
9 the forty-two (42) state lottery commissions include: 1) ARIZONA
10 STATE LOTTERY COMMISSION; 2) ARKANSAS STATE SCHOLARSHIP LOTTERY
11 COMMISSION; 3) CALIFORNIA STATE LOTTERY COMMISSION; 4) COLORADO STATE
12 LOTTERY COMMISSION; 5) CONNECTICUT LOTTERY CORPORATION; 6) DELAWARE
13 STATE LOTTERY GAMES COMMISSION; 7) GEORGIA STATE LOTTERY COMMISSION;
14 8) IDAHO STATE LOTTERY COMMISSION; 9) IOWA STATE LOTTERY COMMISSION;
15 10) ILLINOIS STATE LOTTERY COMMISSION; 11) STATE LOTTERY COMMISSION
16 OF INDIANA, dba THE HOOSIER LOTTERY; 12) KANSAS STATE LOTTERY
17 COMMISSION; 13) KENTUCKY STATE LOTTERY COMMISSION; 14) LOUISIANA
18 STATE LOTTERY CORPORATION COMMISSION; 15) MAINE STATE LOTTERY
19 COMMISSION; 16) MARYLAND STATE LOTTERY COMMISSION; 17) MASSACHUSETTS
20 STATE LOTTERY COMMISSION; 18) MICHIGAN STATE LOTTERY COMMISSION; 19)
21 MINNESOTA STATE LOTTERY COMMISSION; 20) MISSOURI STATE LOTTERY
22 COMMISSION; 21) MONTANA STATE LOTTERY COMMISSION; 22) NEBRASKA STATE
23 LOTTERY COMMISSION; 23) NEW HAMPSHIRE STATE LOTTERY COMMISSION; 24)
24 NEW JERSEY STATE LOTTERY COMMISSION; 25) NEW MEXICO STATE LOTTERY
25 COMMISSION; 26) NEW YORK STATE LOTTERY COMMISSION; 27) NORTH CAROLINA
26 STATE EDUCATION LOTTERY COMMISSION; 28) NORTH DAKOTA STATE LOTTERY
27
28

1 COMMISSION; 29) OHIO STATE LOTTERY COMMISSION; 30) OKLAHOMA STATE
2 LOTTERY COMMISSION; 31) OREGON STATE LOTTERY COMMISSION; 32)
3 PENNSYLVANIA LOTTERY COMMISSION; 33) RHODE ISLAND STATE LOTTERY
4 COMMISSION, dba THE LOT; 34) SOUTH CAROLINA STATE EDUCATION LOTTERY
5 COMMISSION; 35) SOUTH DAKOTA STATE LOTTERY COMMISSION; 36) TENNESSEE
6 STATE LOTTERY COMMISSION; 37) TEXAS STATE LOTTERY COMMISSION; 38)
7 VERMONT STATE LOTTERY COMMISSION; 39) VIRGINIA STATE LOTTERY
8 COMMISSION; 40) WASHINGTON STATE LOTTERY COMMISSION; 41) WEST
9 VIRGINIA STATE LOTTERY COMMISSION; and 42) WISCONSIN STATE LOTTERY
10 COMMISSION.
11

12
13 5. This is a proposed national class action alleging Defendant
14 MEGA MILLIONS and Mega Members, at all relevant times material hereto
15 and mentioned herein, have and are operating and co-operating lottery
16 in violation of various California and Federal laws including, but
17 not limited to, 1) breach of contract; 2) false advertising; 3)
18 misrepresentation; 4) negligence; 5) fraud; 6) unjust enrichment; 7)
19 civil conspiracy; 8) violations of unfair business practices acts;
20 and 9) declaratory relief.
21

22 6. The class period is defined as within the four year period
23 preceding the filing of Plaintiffs' Complaint through the date notice
24 is given to the class.

25 7. Plaintiffs allege the acts described in this Complaint have
26 occurred at all relevant times material hereto and mentioned herein.
27 Past tense and present tense are sometimes used interchangeably to
28

1 describe the acts that occurred and are occurring within the class
2 period.

3 8. Defendant MEGA MILLIONS, itself and through its Mega
4 Members, offered and offers certain cash prizes, including a jackpot,
5 to owner(s)/holder(s) of winning Mega Millions lottery ticket(s) that
6 match certain number(s) or a combination of numbers that are drawn on
7 the designated drawing date for that particular ticket.
8

9 9. At all relevant times material hereto and mentioned herein,
10 drawings have been and are held on Tuesdays and Fridays of every
11 week. Each of these drawings was/is a separate and independent
12 lottery drawing from any and all other drawings for a given Mega
13 Millions lottery ticket. Each Mega Millions lottery ticket is
14 eligible to win prizes only on the designated drawing date the ticket
15 is purchased for.
16

17 10. To play Mega Millions lottery, a player can either pick
18 his/her own combination of certain numbers or purchase QUICK PICK or
19 EASY PICK ticket(s) that allegedly select(s) numbers in random on
20 behalf of a player. QUICK PICK and EASY PICK are used interchangeably
21 depending on the jurisdiction the ticket is sold. QUICK PICK is used
22 in this Complaint to refer both or either QUICK PICK and/or EASY
23 PICK.
24

25 11. Defendant MEGA MILLIONS and/or its Mega Members regularly
26 advertised and still advertise certain fixed odds/chances of winning
27 certain prizes from \$2 to a jackpot by playing. A jackpot is won if
28

1 all numbers selected are matched from the drawing the ticket was
2 purchased.

3 12. During the last four years, Plaintiffs purchased a number
4 of QUICK PICK ticket(s) believing that each purchased QUICK PICK
5 ticket has the same advertised odds/chances of winning the advertised
6 prizes including the jackpot. Plaintiffs did not win any jackpot or
7 any other substantial prize that were advertised by Defendant MEGA
8 MILLIONS and/or its Mega Members.
9

10 13. Plaintiffs are now informed, believe and thereon allege
11 that a QUICK PICK ticket has lower odds or fewer chances of winning
12 the described prizes including the jackpot than compared to the
13 odds/chances that are advertised for certain prizes by Defendant MEGA
14 MILLIONS LOTTERY and Mega Members.
15

16 14. This lawsuit, among other things, seeks to recover damages
17 for themselves and on behalf of all others similarly situated.
18 Damages including, but not limited to, disgorgement of ill-gotten
19 gains, and force certain changes related to QUICK PICK tickets.
20

21 **II. PARTIES**

22 **A. PLAINTIFFS**

23 15. Plaintiff THOMAS LEE is, and at all times relevant to this
24 Complaint was, an individual over 18 years old residing in Rancho
25 Palos Verdes, California. Plaintiff THOMAS LEE purchased numerous
26 QUICK PICK Mega Million lottery tickets during the past four years
27 from various Mega Millions lottery retailers/agents in California.
28 Plaintiff THOMAS LEE did not win any jackpot or any other substantial

1 prize that were advertised by Defendant MEGA MILLIONS and/or its Mega
2 Members. Accordingly, Plaintiff THOMAS LEE suffered damages and lost
3 money as a result of unlawful operations of Mega Millions Lottery by
4 Defendants and/or Mega Members.

5
6 16. Plaintiff MEEJOUNG LIM is, and at all times relevant to
7 this Complaint was, an individual over 18 years old residing in
8 Cerritos, California. Plaintiff MEEJOUNG LIM purchased numerous QUICK
9 PICK Mega Million lottery tickets during the past four years from
10 various Mega Millions lottery retailers/agents in California.
11 Plaintiff MEEJOUNG LIM did not win any jackpot or any other
12 substantial prize that were advertised by Defendant MEGA MILLIONS
13 and/or its Mega Members. Accordingly, Plaintiff MEEJOUNG LIM suffered
14 damages and lost money as a result of unlawful operations of Mega
15 Millions Lottery by Defendant MEGA MILLIONS and/or its Mega Members.

17 **B. DEFENDANTS**

18 17. Defendant MEGA MILLIONS LOTTERY's true name, principal
19 place of business and capacity, whether a consortium, corporation,
20 association or otherwise, are unknown to Plaintiffs at this time, and
21 Plaintiffs therefore sues said defendant by such commonly known name
22 by members of the community and public. Plaintiff will seek leave of
23 Court to amend this Complaint when such information of said defendant
24 has been ascertained.

25
26 18. Plaintiffs are informed, believe and thereon allege that
27 Mega Millions Lottery is a consortium of lotteries without a "central
28 office". Mega Millions may be operated, co-operated and duties shared

1 with its lotteries/members including the DISTRICT OF COLUMBIA LOTTERY
2 COMMISSION, the U.S. VIRGIN ISLANDS LOTTERY COMMISSION and forty-two
3 (42) state lottery commissions which include: ARIZONA STATE LOTTERY
4 COMMISSION; ARKANSAS STATE SCHOLARSHIP LOTTERY COMMISSION; CALIFORNIA
5 STATE LOTTERY COMMISSION; COLORADO STATE LOTTERY COMMISSION;
6 CONNECTICUT LOTTERY CORPORATION; THE D.C. LOTTERY COMMISSION;
7 DELAWARE STATE LOTTERY GAMES COMMISSION; GEORGIA STATE LOTTERY
8 COMMISSION; IDAHO STATE LOTTERY COMMISSION; IOWA STATE LOTTERY
9 COMMISSION; ILLINOIS STATE LOTTERY COMMISSION; STATE LOTTERY
10 COMMISSION OF INDIANA, dba THE HOOSIER LOTTERY; KANSAS STATE LOTTERY
11 COMMISSION; KENTUCKY STATE LOTTERY COMMISSION; LOUISIANA STATE
12 LOTTERY CORPORATION COMMISSION; MAINE STATE LOTTERY COMMISSION;
13 MARYLAND STATE LOTTERY COMMISSION; MASSACHUSETTS STATE LOTTERY
14 COMMISSION; MICHIGAN STATE LOTTERY COMMISSION; MINNESOTA STATE
15 LOTTERY COMMISSION; MISSOURI STATE LOTTERY COMMISSION; MONTANA STATE
16 LOTTERY COMMISSION; NEBRASKA STATE LOTTERY COMMISSION; NEW HAMPSHIRE
17 STATE LOTTERY COMMISSION; NEW JERSEY STATE LOTTERY COMMISSION; NEW
18 MEXICO STATE LOTTERY COMMISSION; NEW YORK STATE LOTTERY COMMISSION;
19 NORTH CAROLINA STATE EDUCATION LOTTERY COMMISSION; NORTH DAKOTA STATE
20 LOTTERY COMMISSION; OHIO STATE LOTTERY COMMISSION; OKLAHOMA STATE
21 LOTTERY COMMISSION; OREGON STATE LOTTERY COMMISSION; PENNSYLVANIA
22 LOTTERY COMMISSION; RHODE ISLAND STATE LOTTERY COMMISSION, dba THE
23 LOT; SOUTH CAROLINA STATE EDUCATION LOTTERY COMMISSION; SOUTH DAKOTA
24 STATE LOTTERY COMMISSION; TENNESSEE STATE LOTTERY COMMISSION; TEXAS
25 STATE LOTTERY COMMISSION; VERMONT STATE LOTTERY COMMISSION; VIRGINIA
26
27
28

1 STATE LOTTERY COMMISSION; WASHINGTON STATE LOTTERY COMMISSION; WEST
2 VIRGINIA STATE LOTTERY COMMISSION; and WISCONSIN STATE LOTTERY
3 COMMISSION.

4
5 19. Plaintiffs are informed, believe and thereon allege that at
6 all relevant times material hereto and mentioned herein, each Mega
7 Member and each DOE defendant were and are members, subunits, agents,
8 servants, employers, joint ventures, partners, divisions, owners,
9 subsidiaries, aliases, assignors and/or alter-egos of remaining
10 defendants and were at all times acting within the purpose and scope
11 of such association, membership, agency, servitude, joint venture,
12 division, ownership, subsidiary, alias, assignment, alter-ego,
13 partnership or employment and with the authority, consent, approval
14 and ratification of each remaining defendant.
15

16 20. At all times herein mentioned, each defendant was the co-
17 conspirator, member, agent, servant, employee, assignee and/or joint
18 venturer of each of the other defendants and was acting within the
19 course and scope of said conspiracy, membership, agency, employment,
20 assignment and/or joint venture and with the permission and consent
21 of each of the other defendant.
22

23 21. Plaintiffs are informed, believe and thereon allege that
24 each and all of the aforementioned defendants are responsible in some
25 manner, either by act or omission, breach of contract or otherwise,
26 for the occurrences herein alleged, and that Plaintiffs' damages, as
27 herein alleged, were proximately caused by the conduct of defendants.
28

1 22. Plaintiffs are informed, believe and thereon allege that
2 defendants, and each of them, are, and at all material times relevant
3 to this Complaint, performed the acts alleged herein and/or otherwise
4 conducted business in 42 states, the District of Columbia and/or the
5 U.S. Virgin Islands.

6
7 23. The true names and capacities, whether individual,
8 corporate, associate or otherwise, of defendants DOES 1-10,
9 inclusive, and each of them, are unknown to Plaintiffs at this time,
10 and Plaintiffs therefore sues said defendants by such fictitious
11 names. Plaintiffs allege, on information and belief, that each
12 defendant is responsible for the actions herein alleged. Plaintiffs
13 will seek leave of Court to amend this Complaint when the names of
14 said Doe defendants have been ascertained.

15
16 24. Plaintiffs are informed, believe and thereon allege that at
17 all times mentioned herein, defendants, and each of them, including
18 without limitation those defendants herein sued as DOES, were acting
19 in concert or participation with each other, or were joint
20 participants and collaborators in the acts complained of, and were
21 the agents or employees of the other in doing the acts complained of
22 herein, each and all of them acting within the course and scope of
23 said agency and/or employment by the others, each and all of them
24 acting in concert one with the other and all together.

25
26 **III. JURISDICTION AND VENUE**

27 25. This court has subject matter jurisdiction over this class
28 action pursuant to the Class Action Fairness Act of 2005, which,

1 inter alia, amends 28 U.S.C. § 1332(d) (diversity of citizenship)
2 conferring federal jurisdiction over class actions where, as here,
3 "any member of a class of plaintiffs is a citizen of a State
4 different from any Defendant" and the aggregated amount in
5 controversy exceeds five million dollars (\$5,000,000). See 28 U.S.C.
6 §§ 1332(d)(2) & (6).
7

8 26. This Court has personal jurisdiction over the parties
9 because Plaintiffs submit to the jurisdiction of the Court, and
10 defendants are either individuals who reside in this District within
11 California or are entities duly licensed or authorized to do business
12 in California.
13

14 27. Plaintiffs are informed, believe and thereon allege that a
15 substantial part of the events giving rise to the claims herein
16 alleged occurred in this district and defendants and/or agents of
17 defendants may be found in this district.

18 28. Intradistrict Assignment: Assignment to the Los Angeles
19 division is proper pursuant to Local Rule 3-2(c) and (d) because a
20 substantial portion of the events and omissions giving rise to this
21 lawsuit occurred in this district and division.
22

23 IV. STATEMENT OF FACTS

24 29. This case involves alleged unlawful operations of Mega
25 Millions lottery that was/is played in 42 states, the District of
26 Columbia and the U.S. Virgin Islands.

27 30. Plaintiffs are informed, believe and thereon allege that
28 MEGA MILLIONS LOTTERY ("Defendant MEGA MILLIONS") was/is operated,

1 co-operated and duties shared with its Members comprised of (1)
2 forty-two state lottery commissions, (2) the DISTRICT OF COLUMBIA
3 LOTTERY COMMISSION and (3) the U.S. VIRGIN ISLANDS LOTTERY COMMISSION
4 (all collectively as "Mega Members").
5

6 31. Defendant MEGA MILLIONS (via itself and through its Mega
7 Members) offered certain cash prizes including a jackpot to
8 owner(s)/holder(s) of Mega Millions winning ticket(s) purchased from
9 lottery retailers/agents in 42 states plus the District of Columbia
10 and the U.S. Virgin Islands. Winning ticket(s) match certain number
11 or combination of numbers that are drawn on the designated drawing
12 date for that particular ticket. Drawings have occurred and new
13 drawings occur twice a week at all material times relevant to this
14 Complaint.
15

16 32. A player can either pick his/her own combination of certain
17 numbers or purchase QUICK PICK ticket(s) that allegedly select
18 numbers in random on behalf of a player.
19

20 33. Defendant MEGA MILLIONS and/or its Mega Members regularly
21 advertised certain fixed odds/chances of winning certain prizes
22 ranging from \$2 to a certain jackpot. A jackpot is won if all numbers
23 selected are matched. Jackpot amount starts at \$12,000,000 at the
24 first drawing and increases periodically if there weren't any jackpot
25 winner(s). Defendant MEGA MILLIONS and/or its Mega Members claimed
26 and advertised the odds/chances of winning the jackpot as 1 in
27 175,711,536. See footnote 1 below.
28

FN1. From Mega Millions Official Home website
(www.megamillions.com/howto) on June 19, 2012.

How To Play

Mega Millions tickets cost \$1.00 per play.

Players may pick six numbers from two separate pools of numbers - five different numbers from 1 to 56 and one number from 1 to 46 - or select Easy Pick. You win the jackpot by matching all six winning numbers in a drawing.

What if you win the jackpot?

Annuity option: Provides 26 annual payments. For every \$1,000,000 in the jackpot, you will receive approximately \$38,500 per year before taxes.

Cash option: A one-time, lump-sum payment that is equal to all the cash in the Mega Millions jackpot prize pool.

In addition to the jackpot, there are other prizes ranging from \$2 to \$250,000*.

* In California all prizes are pari-mutuel, meaning payouts are based on sales and the number of winners. All other Mega Millions states set the 2nd through 9th prizes at pre-determined amounts.

**Some states use a Megaplier feature to increase non-jackpot prizes by 2, 3 or 4 times. To find out if your state participates, and to get Megaplier results, visit the lottery web site in the state in which you played.

MATCH ●	MATCH ○	PRIZE *	CHANCES
5 + 1	5 + 1	\$2,500,000	1 in 175,711,536
5	1	\$100,000	1 in 11,960,800
4 + 1	4 + 1	\$10,000	1 in 1,196,080
4	1	\$1,000	1 in 119,608
3 + 1	3 + 1	\$500	1 in 11,960
3	1	\$100	1 in 1,196
2 + 1	2 + 1	\$20	1 in 119
2	1	\$5	1 in 12
1	1	\$2	1 in 2
0	1	\$1	1 in 1

34. During the last four years, Plaintiffs purchased a number of QUICK PICK tickets believing that each purchased QUICK PICK ticket has the same advertised odds/chances of winning the advertised prizes including the jackpot. Plaintiffs did not win any jackpot or any other substantial prize that were advertised by Defendant MEGA MILLIONS and/or its Mega Members.

35. Plaintiffs are now informed, believe and thereon allege that a QUICK PICK ticket has lower odds or fewer chances of winning certain described prizes including the jackpot than compared to the odds/chances that are advertised for those prizes by Defendant MEGA MILLIONS and/or its Mega Members.

V. CLASS ACTION ALLEGATIONS

36. Pursuant to Federal Rules of Civil Procedure, Rule 23(b)(2), Plaintiffs THOMAS LEE and MEEJOUNG LIM bring this action on behalf of themselves and classes of similarly situated persons defined as follows:

National Class: All individuals, age 18 or older, who purchased at least one QUICK PICK (or EASY PICK) Mega Millions lottery ticket from any lottery retailers/agents in the 42 states, the District of Columbia and/or the U.S. Virgin Islands within the four year period preceding the filing of Plaintiffs' Complaint through the date notice is given to the Class.

The aforementioned 42 states include: ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, GEORGIA, IDAHO, IOWA, ILLINOIS, INDIANA, KANSAS, KENTUCKY, LOUISIANA, MAINE, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MISSOURI, MONTANA, NEBRASKA, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH CAROLINA, NORTH DAKOTA, OHIO, OKLAHOMA, OREGON, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, SOUTH DAKOTA, TENNESSEE, TEXAS, VERMONT, WASHINGTON, WEST VIRGINIA and WISCONSIN.

1 Plaintiffs reserve the right to amend or otherwise alter the
2 Class definitions and Class periods presented to the Court at the
3 appropriate time, or propose or eliminate sub-Classes, in response to
4 facts learned through discovery, legal arguments advanced by
5 Defendants or otherwise.
6

7 **A. SUPERIORITY**

8 37. A class action is superior to other available methods to
9 provide fair and efficient adjudication of the controversy, provide
10 redress of claims too small and impracticable for individuals to
11 independently litigate, and provide judicial economy by eliminating
12 repetitious litigation from the courts.
13

14 38. Prosecution of separate actions by individual Class members
15 would create a risk of inconsistent or varying adjudications which
16 establish incompatible standards of conduct for defendants and/or
17 substantially impair or impede the ability of individual Class
18 members to protect their interests.
19

20 **B. NUMEROSITY**

21 39. Plaintiffs are informed and believe, and on that basis
22 allege, the Proposed Classes consist of many millions of people.
23

24 **C. COMMONALITY**

25 40. There are numerous questions of law and fact common to the
26 Proposed Class including, but not limited to:
27

28 (a) Whether Defendant MEGA MILLIONS and/or its Mega Members
breached their contract with Class by not providing the goods and
services as promised;

1 (b) Whether Defendant MEGA MILLIONS and/or its Mega Members
2 engaged in false advertising of the odds/chances of winning certain
3 prizes and services provided;

4 (c) Whether Defendant MEGA MILLIONS and/or its Mega Members
5 misrepresented the odds/chances of winning certain prizes and
6 services provided;

7 (d) Whether Defendant MEGA MILLIONS and/or its Mega Members were
8 negligent in permitting lottery machines to operate that did not
9 generate a true random selection of numbers for QUICK PICK tickets;

10 (e) Whether Defendant MEGA MILLIONS and/or its Mega Members
11 committed fraud by fixing the lottery machines to not generate a true
12 random selection of numbers for QUICK PICK tickets;

13 (f) Whether Defendant MEGA MILLIONS and/or its Mega Members
14 conspired to engage in unlawful activities;

15 (g) Whether Defendant MEGA MILLIONS and/or its Mega Members
16 violated unfair business practices acts;

17 (h) Whether Defendant MEGA MILLIONS and/or its Mega Members were
18 unjustly enriched because of their unlawful activities;

19 (i) Whether Plaintiffs and Class members are entitled to
20 injunctive, declaratory, and other equitable relief against
21 defendants; and

22 (j) Whether Plaintiffs and Class members are entitled to an
23 award of punitive damages, reasonable attorneys' fees and costs of
24 this suit.
25
26
27
28

1 **D. TYPICALITY**

2 41. Plaintiffs' claims are typical of the claims of the
3 Proposed Class members as each purchased one or more QUICK PICK
4 tickets believing that each QUICK PICK had certain odds/chances of
5 winning prizes as advertised by Defendant MEGA MILLIONS and/or its
6 Mega Members. Plaintiffs and all members of the class have similarly
7 suffered harm arising from Defendant MEGA MILLIONS' and/or its Mega
8 Members' violations of law, as alleged herein.
9

10 **E. ADEQUACY**

11 42. Plaintiffs will fairly and adequately protect the interests
12 of the Proposed Class because their interests do not conflict with
13 the interests of the members of the class they seek to represent and
14 have retained counsel competent and experienced in complex class
15 action litigation.
16

17 **F. FEDERAL RULES OF CIVIL PROCEDURE, RULE 23(b)(1), 23(b)(2) and**
18 **23(b)(3)**

19 43. This suit may be brought and maintained as a class action
20 pursuant to Federal Rules of Civil Procedure, Rule 23(b)(1) because
21 unlawful acts and practices of defendants, as alleged herein,
22 constitute a course of conduct common to Plaintiffs and each Class
23 member.
24

25 44. This suit may be brought and maintained as a class action
26 pursuant to Federal Rules of Civil Procedure, Rule 23(b)(2) because
27 Plaintiffs and the Class seek declaratory and injunctive relief with
28 respect to the Class as a whole.

1 45. This suit may be brought and maintained as a class action
2 pursuant to Federal Rules of Civil Procedure, Rule 23(b)(3) because
3 questions of law or fact common to the Class members, including those
4 identified above, predominate over questions affecting only
5 individual Class members if any.
6

7 **VI. CAUSES OF ACTION**

8 **COUNT I**

9 **Breach of Contract**
 (Against All Defendants)

10 46. Plaintiffs reallege and incorporate by reference each of
11 the allegations contained in the preceding paragraphs.
12

13 47. A contract existed between Plaintiffs (including Members of
14 Classes) and Defendant MEGA MILLIONS and/or its Mega Members.

15 48. Defendant MEGA MILLIONS and/or its Mega Members have
16 directly performed, or aided, abetted, counseled, commanded, induced,
17 procured, encouraged, promoted, instigated, advised, willfully
18 caused, participated in, enabled, contributed to, facilitated,
19 directed, controlled, assisted in, or conspired in the commission of
20 the above-described acts of declaring certain odds/chances of winning
21 Mega Millions lottery by Class members purchasing Mega Millions
22 lottery ticket(s). However Class members who purchased QUICK PICKS
23 had lower odds or reduced chances to win these prizes than the
24 advertised odds/chances.
25

26 49. As a result of Defendant MEGA MILLIONS' and/or its Mega
27 Members' unlawful acts, Plaintiffs and Class Members suffered damages
28 in the amount to be determined at trial.

1 50. Defendant MEGA MILLIONS and/or its Mega Members committed,
2 knew of and/or acquiesced in all of the above-described acts, and
3 failed to deliver a product they promised to Plaintiffs and Class
4 Members in QUICK PICK ticket(s) with advertised odds/chances to win
5 certain prizes.
6

7 51. By the acts alleged herein, Defendant MEGA MILLIONS and/or
8 its Mega Members have violated Plaintiffs' and Class Members'
9 reasonable expectations of delivery of a product in QUICK PICK
10 ticket(s) with advertised odd/chances to win.
11

12 52. As a direct and proximate result of Defendant MEGA
13 MILLIONS' and/or its Mega Members' actions, Plaintiffs and Class
14 Members have suffered, and continue to suffer, injury in fact and
15 have lost money as a result of such breach of contract in amounts to
16 be determined at trial.
17

18 **COUNT II**
19 **False Advertising**
20 **(Against All Defendants)**
21

22 53. Plaintiffs repeat and incorporate herein by reference the
23 allegations in the preceding paragraphs of this complaint, as if set
24 forth fully herein.
25

26 54. Defendant MEGA MILLIONS and/or its Mega Members made
27 untrue, false, deceptive and/or misleading statements in connection
28 with the advertising and marketing of Mega Millions lottery
including, but not limited to, odds/chances to win Mega Millions
lottery.

1 55. As a direct and proximate result of Defendant MEGA
2 MILLIONS' and/or its Mega Members' actions, Plaintiffs and Class
3 Members have suffered, and continue to suffer, injury in fact and
4 have lost money as a result of such false, deceptive and misleading
5 advertising in amounts to be determined at trial.
6

7 56. Plaintiffs and those similarly situated seek full
8 restitution of monies, as necessary and according to proof, to
9 disgorge all profits made by means of false, misleading and deceptive
10 advertising and marketing practices complained of herein, plus
11 interest thereon.
12

13 **COUNT III**
14 **Misrepresentation**
15 **(Against All Defendants)**

16 57. Plaintiffs repeat and incorporate herein by reference the
17 allegations in the preceding paragraphs of this complaint, as if set
18 forth fully herein.

19 58. Plaintiffs are informed, believe and thereon allege that
20 Defendant MEGA MILLIONS and/or its Mega Members, and their lottery
21 retailers/agents have misrepresented information regarding
22 odds/chances of winning prizes to Plaintiffs and Class Members.

23 59. As a direct and proximate result of Defendant MEGA
24 MILLIONS' and/or its Mega Members' actions, Plaintiffs and Class
25 Members have suffered, and continue to suffer, injury in fact and
26 have lost money as a result of such misrepresentation in amounts to
27 be determined at trial.
28

1 60. Plaintiffs and those similarly situated seek full
2 restitution of monies, as necessary and according to proof, to
3 disgorge all profits made by means of misrepresentation complained of
4 herein, plus interest thereon.
5

6 **COUNT IV**
7 **Negligence**
8 **(Against All Defendants)**

9 61. Plaintiffs repeat and incorporate herein by reference the
10 allegations in the preceding paragraphs of this complaint, as if set
11 forth fully herein.

12 62. Defendant MEGA MILLIONS and/or its Mega Members owed a duty
13 of care to Plaintiffs and Class Members to use reasonable care in
14 maintaining and operating Mega Millions lottery to ensure the
15 integrity of their QUICK PICK method(s) of drawing.

16 63. Had Defendant MEGA MILLIONS and/or its Mega Members
17 exercised reasonable care and skill in operating their QUICK PICK
18 method to select numbers in true random, Plaintiffs and Class Members
19 may have lost less monies to Defendant MEGA MILLIONS and/or its Mega
20 Members.
21

22 64. As a direct, proximate result of this negligence,
23 Plaintiffs and Class Members have been injured, and they have
24 suffered and continue to suffer economic losses in the amounts to be
25 determined at trial.

26 / / /

27 / / /
28

COUNT V
Fraud
(Against All Defendants)

65. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding paragraphs of this complaint, as if set forth fully herein.

66. Defendant MEGA MILLIONS and/or its Mega Members intentionally with deliberate indifference or with reckless disregard, manipulated the selection of numbers via QUICK PICK ticket(s) as to lower the odds or reduce chances to win certain prizes than as advertised.

67. As a direct, proximate result of this fraudulent conduct, Plaintiffs and Class Members have been injured, and they have suffered and continue to suffer economic losses in the amounts to be determined at trial.

COUNT VI
Civil Conspiracy
(Against All Defendants)

68. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding paragraphs of this complaint, as if set forth fully herein.

69. Defendant MEGA MILLIONS and its Mega Members joined in a conspiracy to unlawfully co-operate Mega Millions lottery. Defendant MEGA MILLIONS and/or its Mega Members also agreed to advertise or caused to be advertised marketing material with the express intention to further their unlawful co-operation. Defendant MEGA MILLIONS

1 and/or its Mega Members knew they were violating federal and state
2 laws as described above.

3 70. Defendant MEGA MILLIONS and/or its Mega Members consciously
4 conspired and deliberately pursued sale of QUICK PICK tickets that
5 did not have the odds/chances of winning as advertised in their
6 marketing material.

7
8 71. Defendant MEGA MILLIONS and/or its Mega Members each
9 committed one or more unlawful acts in furtherance of this
10 conspiracy, subjecting each to joint and several liability.

11 72. As a direct, proximate result of this conspiracy,
12 Plaintiffs and Class Members have been injured, and they have
13 suffered and continue to suffer economic losses, general and specific
14 damages, all in the amounts to be determined at trial.
15

16 **COUNT VII**
17 **Violations of Unfair Business Practices Act**
18 **(Against All Defendants)**

19 73. Plaintiffs repeat and incorporate herein by reference the
20 allegations in the preceding paragraphs of this complaint, as if set
21 forth fully herein.

22 74. Plaintiffs bring this cause of action on behalf of
23 themselves, on behalf of the Classes against all defendants for their
24 unlawful, unfair, untrue and/or deceptive business acts and/or
25 practices pursuant to California Business and Profession Code
26 Sections 17200 et seq. and/or similar federal/state Unfair
27 Competition Acts, which prohibits all unlawful, unfair and/or
28 fraudulent business acts and/or practices.

1 75. Plaintiffs assert these claims as the representative of an
2 aggrieved group and on behalf of Class Members who have expended
3 funds that defendants should reimburse under the equitable and
4 restitutionary remedies provided by California Business and
5 Professions Code Sections 17200 et seq. and/or comparable
6 federal/state Unfair Competition Acts.
7

8 76. The acts, misrepresentations, omissions and defendants'
9 practices alleged above constitute unfair, unlawful and/or fraudulent
10 business acts and/or practices within the meaning of California
11 Business and Professions Code Sections 17200 et seq. and/or
12 comparable federal/state Unfair Competition Acts.
13

14 77. Defendant MEGA MILLIONS' and/or its Mega Members' conduct,
15 as fully described above, was likely to deceive members of the public
16 including Plaintiffs and Class members.
17

18 78. Presently, to Plaintiffs' knowledge, Defendant MEGA
19 MILLIONS and/or its Mega Members continue to act in unlawful, unfair,
20 fraudulent, untrue and/or deceptive ways.
21

22 79. As a direct and proximate result of the aforementioned
23 acts, Defendant MEGA MILLIONS and/or its Mega Members, and each of
24 them, made profits from Plaintiffs and Class Members who purchased
25 Mega Millions QUICK PICK lottery tickets.
26

27 80. Plaintiffs and Class members are entitled to restitution of
28 the amounts Plaintiffs and Class Members suffered, and equitable
relief of disgorgement of all profits made to be determined at trial.

COUNT VIII
Unjust Enrichment
(Against All Defendants)

81. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding paragraphs of this complaint, as if set forth fully herein.

82. Defendants were unjustly enriched from their unlawful acts at the expense of Plaintiffs and Class Members.

83. As a direct and proximate result of Defendant MEGA MILLIONS' and/or its Mega Members' actions, Plaintiffs and Class Members have suffered, and continue to suffer, injury in fact and have lost money as a result of unlawful act in amounts to be determined at trial.

84. Plaintiffs and those similarly situated seek full restitution of monies, as necessary and according to proof, to disgorge all profits made by means of unlawful acts complained of herein, plus interest thereon.

COUNT IX
Declaratory and Injunctive Relief
(Against All Defendants)

85. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding paragraphs of this complaint, as if set forth fully herein.

86. Plaintiffs, on behalf of those similarly situated, seek both a declaration of Defendant MEGA MILLIONS' and/or its Mega Members' above-described practices as false, misleading and deceptive advertising, and an injunction to prohibit defendants from continuing

1 to engage in such false, misleading and deceptive advertising and
2 marketing practices complained of herein.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiffs, on behalf of themselves and all Members
5 of the Proposed Class, respectfully pray for judgment against each
6 defendant, jointly and severally, as follows:
7

8 1) An order certifying this case as a class action and
9 appointing Plaintiffs and their counsel to represent the Class;

10 2) Restitution and disgorgement of all profits made by
11 defendants as a result of its misconduct, together with interest
12 thereon from the dates of sufferance occurred;

13 3) Actual damages for injuries suffered by Plaintiffs and
14 Members of Class;
15

16 4) Compensatory money damages according to proof;

17 5) Statutory damages according to proof;

18 6) Punitive damages;

19 7) Reasonable attorneys' fees and other costs of suit;

20 8) Statutory prejudgment interest;

21 9) For leave to amend this complaint to add additional federal
22 and/or state law claims, including but not limited to claims in the
23 District of Columbia and the U.S. Virgin Islands; and
24


25 10) For such other and further relief, in law or equity, as the
26 Court deems just and proper.

27 / / /
28

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedures and the Seventh Amendment of the United States Constitution, Plaintiffs hereby request a jury trial for all issues triable by jury including, but not limited, to those issues and claims set forth in amended complaint and/or consolidated action.

Dated: June ²¹~~19~~, 2012



Lee & Chang, LLP
Mark Lee, Esq. (SBN 183008)
Sandy Chang, Esq. (SBN 267086)
Attorneys for Plaintiffs

Name & Address:

Mark Lee, Esq.
 Sandy Chang, Esq.
 LEE & CHANG, LLP
 456 W. San Jose Avenue, Suite A
 Claremont, CA 91711

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

THOMAS LEE, MEEJOUNG LIM, on behalf of
 themselves and others similarly situated,

PLAINTIFF(S)

v.

MEGA MILLIONS LOTTERY; and DOES 1-10
 inclusive,

DEFENDANT(S).

CASE NUMBER

CV12-5402-PSG(SHX)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Mark Lee, Esq., LEE & CHANG, LLP, whose address is 456 W. San Jose Avenue, Suite A, Claremont, CA 91711. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

JUN 21 2012

Dated: _____

By: MARILYN DAVIS
Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) THOMAS LEE, MEEJOUNG LIM, on behalf of themselves and others similarly situated,	DEFENDANTS MEGA MILLIONS LOTTERY; and DOES 1-10 inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Mark Lee, Esq., Sandy Chang, Esq., LEE & CHANG, LLP 456 W. San Jose Avenue, Suite A, Claremont, CA 91711 323-250-2580	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:45%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input checked="" type="checkbox"/> 1</td> <td align="center"><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input checked="" type="checkbox"/> 2</td> <td align="center"><input checked="" type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Citizen of Another State	<input checked="" type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT. JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint)
CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Breach of Contract, False Advertising, Misrepresentation, Negligence, Fraud, Civil Conspiracy, Unfair Business Practices Acts, Unjust Enrichment, & Declaratory Relief.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR/EMPLOYMENT <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV12-5402

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	All Counties in 42 States, Washington D.C. and U.S. Virgin Islands.

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	All Counties in 42 States, Washington D.C. and U.S. Virgin Islands.

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	All Counties in 42 States, Washington D.C. and U.S. Virgin Islands.

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date

6/21/12

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended, plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Philip S. Gutierrez and the assigned discovery Magistrate Judge is Stephen J. Hillman.

The case number on all documents filed with the Court should read as follows:

CV12 - 5402 PSG (SHx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.